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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 MARTIN SATERSTAD and  
8 RICHARD SATERSTAD,

9 Plaintiff(s),

10 v.

11 STATE OF NEVADA, et al.,

12 Defendant(s).

Case No. 2:16-CV-1702 JCM (GWF)

ORDER

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14 Presently before the court is Magistrate Judge Foley's report and recommendation  
15 ("R&R"). (ECF No. 12). No objections have been filed, and the deadline for filing objections has  
16 since passed.

17 This court "may accept, reject, or modify, in whole or in part, the findings or  
18 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects  
19 to a magistrate judge's report and recommendation, then the court is required to "make a de novo  
20 determination of those portions of the [report and recommendation] to which objection is made."  
21 28 U.S.C. § 636(b)(1).

22 Where a party fails to object, however, the court is not required to conduct "any review at  
23 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149  
24 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a  
25 magistrate judge's report and recommendation where no objections have been filed. *See United*  
26 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
27 employed by the district court when reviewing a report and recommendation to which no  
28 objections were made).

1 Magistrate Judge Foley recommends that plaintiffs' Fifth Amendment due process claim  
2 be dismissed with prejudice for failure to state a claim upon which relief can be granted. (ECF  
3 No. 12).

4 Plaintiffs have not objected to the report and recommendation. Nevertheless, this court  
5 finds it appropriate to engage in a *de novo* review to determine whether to adopt the  
6 recommendation of the magistrate judge. Upon reviewing the recommendation and underlying  
7 briefs, the court finds that good cause appears to adopt the magistrate judge's findings.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge  
10 Foley's report and recommendation (ECF No. 12) be, and the same hereby is, ADOPTED in its  
11 entirety.

12 IT IS FURTHER ORDERED that plaintiffs' Fifth Amendment due process claim be, and  
13 the same hereby is, DISMISSED with prejudice for failure to state a claim upon which relief can  
14 be granted.

15 DATED April 2, 2018.

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17 UNITED STATES DISTRICT JUDGE  
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